

From: [Gloria-Small Moran](#)
To: [Richard Bergner](#)
Cc: [Gary Moore](#)
Subject: Falcon Refinery - Concerns About Progress of Removal Action
Date: 02/24/2012 01:29 PM

Mr. Bergner:

I am contacting you because our OSC, Gary Moore, has indicated that he is getting increasingly frustrated with the progress being made to address the site. He has indicated that progress has virtually stopped as your contractors are either evaluating, reviewing, or waiting on approvals from NORCO to move forward on the following items (and have been for sometime):

1. Disposal of fiberglass debris;
2. Removal of roofing of tanks 7, 12, and 30 to gain access to remove the remainder of sludge in those tanks and dispose and to inspect these tanks to see if wastes may have leaked to the ground below and remove those soils and dispose as appropriate;
3. Submittal of the Water Treatment System Plan for Tank 26 and installation of that system;
 - a. Full Analytical Scan of the water within tank 26 to determine if it is a hazardous waste and determine if system will meet the desired parameters for irrigation
4. Removal of sludge from Tank 26 and dispose and then inspect this tank to see if wastes may have leaked to the ground below and remove those soils and dispose as appropriate;
5. Removal of all materials within all piping, equipment, and tanks throughout the entire facility with the exception of those current in active use by Superior Crude;
6. Removal of all visibly contaminated soils throughout the entire facility.

It is important that you remember that NORCO has failed to meet the deadline imposed by the Administrative Order on Consent for the Removal Action and the Agreed Order for the Resumption of the Removal Action, also. Please remember that NORCO is subject to stipulated penalties for failing to meet deadlines in performing the removal action. The EPA has not yet determined that we will pursue stipulated penalties related to the delay in the performance of the removal action, but stipulated penalties are adding up every day that action continues to be delayed. Also, Mr. Moore has reviewed the bank account for which money is to be deposited for the conduct of this removal action and has noticed that only \$30,591.36 remains in that account. The amount of funds in this account is not sufficient to complete the removal action activities above and unless we have proof that such funding is available by the deposit into that account (amount for the remaining removal activities to be discussed with Mr. Moore or determined by other mutually agreeable method), EPA will have no choice but to take over the removal effort. The EPA expects immediate and convincing action by NORCO that will address the remaining environmental issues as specified by the 2004 Removal Action Order and the Agreed Order.

Additionally, EPA is requesting the following documents no later than March 2, 2012:



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1. Copy of the agreement between NORCO/Lazurus Energy/Blue Dolphin.
2. Copy of the agreement between NORCO/Superior Crude Gathering along with the amount paid for the lease/rental agreement, how often paid, and where that money is being deposited and who owns that account.

Sincerely,

Gloria Moran
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